

STATE OF MARYLAND

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Shari T. Wilson, Secretary

BILL NO: HB 14

COMMITTEE: Environmental Matters

POSITION: Support with amendments

TITLE: Environment – Brominated Flame Retardants – Decabrominated Diphenyl Ether - Prohibition

BILL ANALYSIS: This bill prohibits the manufacturing, processing, selling or distributing of products that contain more than a certain amount decabrominated diphenyl ether, a flame retardant containing bromine.

POSITION AND RATIONALE: Support with amendments.

Brominated flame retardants have increasingly been found in the environment and in human tissue, including in Chesapeake Bay fish. Although specific health thresholds have not been established, these compounds are sufficiently similar to other compounds with demonstrated health impacts and are both persistent and bioaccumulative, that caution is warranted. Two of three commonly used compounds have already been banned. The delay in banning the deca form was based largely on the concern that a less harmful alternative had not been identified. The State of Washington, after two years of study has identified resorcinol bis diphenyl phosphate (RDP) as a safer alternative, and noted that design changes such as inherently flame resistant fabrics can be used in many instances when the alternative compound is not applicable.

The first amendment is a correction desired is in 6-1202 (b) (2). By adding deca-BDE to this list of substances banned after 2008, this bill creates an unconstitutional ex post facto illegal act. It is also unnecessary, as (c) fully accomplishes the intent of the sponsor.

The second amendment would modify the bill to require manufacturer certification of compliance with the statute. This would significantly reduce the fiscal impact of the bill.

Finally, the third amendment would add civil and criminal penalties for non-compliance.

FOR MORE INFORMATION,
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